

1 **SECTION 121.** 48.627 (2) (a) of the statutes is amended to read:

2 48.627 (2) (a) Before the department, a county department, or a licensed child
3 welfare agency may issue, renew, or continue a foster home, ~~treatment foster home~~
4 or family-operated group home license, the licensing agency shall require the
5 applicant to furnish proof satisfactory to the licensing agency that he or she has
6 homeowner's or renter's liability insurance that provides coverage for negligent acts
7 or omissions by children placed in a foster home, ~~treatment foster home~~ or
8 family-operated group home that result in bodily injury or property damage to 3rd
9 parties.

10 **SECTION 122.** 48.627 (2c) of the statutes is amended to read:

11 48.627 (2c) The department shall determine the cost-effectiveness of
12 purchasing private insurance that would provide coverage to foster, ~~treatment foster~~,
13 and family-operated group home parents for acts or omissions by or affecting a child
14 who is placed in a foster home, ~~a treatment foster home~~, or a family-operated group
15 home. If this private insurance is cost-effective and available, the department shall
16 purchase the insurance from the appropriations under s. 20.437 (1) (cf) and (pd). If
17 the insurance is unavailable, payment of claims for acts or omissions by or affecting
18 a child who is placed in a foster home, ~~a treatment foster home~~, or a family-operated
19 group home shall be in accordance with subs. (2m) to (3).

20 **SECTION 123.** 48.627 (2m) of the statutes is amended to read:

21 48.627 (2m) Within the limits of the appropriations under s. 20.437 (1) (cf) and
22 (pd), the department shall pay claims to the extent not covered by any other
23 insurance and subject to the limitations specified in sub. (3), for bodily injury or
24 property damage sustained by a licensed foster, ~~treatment foster~~, or family-operated
25 group home parent or a member of the foster, ~~treatment foster~~, or family-operated

1 group home parent's family as a result of the act of a child in the foster, ~~treatment~~
2 ~~foster~~, or family-operated group home parent's care.

3 **SECTION 124.** 48.627 (2s) (a) of the statutes is amended to read:

4 48.627 (2s) (a) Acts or omissions of the foster, ~~treatment foster~~ or
5 family-operated group home parent that result in bodily injury to the child who is
6 placed in the foster home, ~~treatment foster home~~ or family-operated group home or
7 that form the basis for a civil action for damages by the foster child's parent against
8 the foster, ~~treatment foster~~ or family-operated group home parent.

9 **SECTION 125.** 48.627 (2s) (b) of the statutes is amended to read:

10 48.627 (2s) (b) Bodily injury or property damage caused by an act or omission
11 of a child who is placed in the foster, ~~treatment foster~~ or family-operated group home
12 parent's care for which the foster, ~~treatment foster~~ or family-operated group home
13 parent becomes legally liable.

14 **SECTION 126.** 48.627 (3) (b) of the statutes is amended to read:

15 48.627 (3) (b) A claim under sub. (2m) shall be submitted to the department
16 within 90 days after the bodily injury or property damage occurs. A claim under sub.
17 (2s) shall be submitted within 90 days after a foster, ~~treatment foster~~ or
18 family-operated group home parent learns that a legal action has been commenced
19 against that parent. No claim may be paid under this subsection unless it is
20 submitted within the time limits specified in this paragraph.

21 **SECTION 127.** 48.627 (3) (d) of the statutes is amended to read:

22 48.627 (3) (d) No claim may be approved in an amount exceeding the total
23 amount available for paying claims under this subsection in the fiscal year during
24 which the claim is submitted. No claim for property damage sustained by a foster,
25 ~~treatment foster~~ or family-operated group home parent or a member of a foster,

1 ~~treatment foster~~ or family-operated group home parent's family may be approved in
2 an amount exceeding \$250,000.

3 **SECTION 128.** 48.627 (3) (e) of the statutes is amended to read:

4 48.627 (3) (e) The department may not approve a claim unless the foster,
5 ~~treatment foster~~ or family-operated group home parent submits with the claim
6 evidence that is satisfactory to the department of the cause and value of the claim
7 and evidence that insurance coverage is unavailable or inadequate to cover the
8 claim. If insurance is available but inadequate, the department may approve a claim
9 only for the amount of the value of the claim that it determines is in excess of the
10 amount covered by insurance.

11 **SECTION 129.** 48.627 (3) (f) of the statutes is amended to read:

12 48.627 (3) (f) If the total amount of the claims approved during any calendar
13 quarter exceeds 25% of the total funds available during the fiscal year for purposes
14 of this subsection plus any unencumbered funds remaining from the previous
15 quarter, the department shall prorate the available funds among the claimants with
16 approved claims. The department shall also prorate any unencumbered funds
17 remaining in the appropriation under s. 20.437 (1) (cf) at the end of each fiscal year
18 among the claimants whose claims were prorated during the fiscal year. Payment
19 of a prorated amount from unencumbered funds remaining at the end of the fiscal
20 year constitutes a complete payment of the claim for purposes of this program, but
21 does not prohibit a foster parent or ~~treatment foster parent~~ family-operated group
22 home parent from submitting a claim under s. 16.007 for the unpaid portion.

23 **SECTION 130.** 48.627 (3) (h) of the statutes is amended to read:

24 48.627 (3) (h) If a claim by a foster, ~~treatment foster~~ or family-operated group
25 home parent or a member of the foster, ~~treatment foster~~ or family-operated group

1 home parent's family is approved, the department shall deduct from the amount
2 approved \$100 less any amount deducted by an insurance company from a payment
3 for the same claim, except that a foster, ~~treatment foster~~ or family-operated group
4 home parent and his or her family are subject to only one deductible for all claims
5 filed in a fiscal year.

6 **SECTION 131.** 48.627 (4) of the statutes is amended to read:

7 48.627 (4) Except as provided in s. 895.485, the department is not liable for any
8 act or omission by or affecting a child who is placed in a foster home, ~~treatment foster~~
9 ~~home~~, or family-operated group home, but shall, as provided in this section, pay
10 claims described under sub. (2m) and may pay claims described under sub. (2s) or
11 may purchase insurance to cover such claims as provided for under sub. (2c), within
12 the limits of the appropriations under s. 20.437 (1) (cf) and (pd).

13 **SECTION 132.** 48.627 (5) of the statutes is amended to read:

14 48.627 (5) The attorney general may represent a foster, ~~treatment foster~~ or
15 family-operated group home parent in any civil action arising out of an act or
16 omission of the foster, ~~treatment foster~~ or family-operated group home parent while
17 acting in his or her capacity as a foster, ~~treatment foster~~ or family-operated group
18 home parent.

19 **SECTION 133.** 48.63 (1) of the statutes is amended to read:

20 48.63 (1) Acting under court order or voluntary agreement, the child's parent
21 or guardian or the department, the department of corrections, a county department,
22 or a child welfare agency licensed to place children in foster homes, ~~treatment foster~~
23 ~~homes~~, or group homes may place a child or negotiate or act as intermediary for the
24 placement of a child in a foster home, ~~treatment foster home~~, or group home.
25 Voluntary agreements under this subsection may not be used for placements in

1 facilities other than foster, ~~treatment foster~~, homes or group homes and may not be
2 extended. A foster home ~~or treatment foster home~~ placement under a voluntary
3 agreement may not exceed 180 days from the date on which the child was removed
4 from the home under the voluntary agreement. A group home placement under a
5 voluntary agreement may not exceed 15 days from the date on which the child was
6 removed from the home under the voluntary agreement, except as provided in sub.
7 (5). These time periods do not apply to placements made under s. 48.345, 938.183,
8 938.34, or 938.345. Voluntary agreements may be made only under this subsection
9 and sub. (5) (b) and shall be in writing and shall specifically state that the agreement
10 may be terminated at any time by the parent or guardian or by the child if the child's
11 consent to the agreement is required. The child's consent to the agreement is
12 required whenever the child is 12 years of age or older. If a county department, the
13 department, or the department of corrections places a child or negotiates or acts as
14 intermediary for the placement of a child under this subsection, the voluntary
15 agreement shall also specifically state that the county department, department, or
16 department of corrections has placement and care responsibility for the child as
17 required under 42 USC 672 (a) (2) and has primary responsibility for providing
18 services to the child.

19 **SECTION 134.** 48.63 (3) (b) 2. of the statutes is amended to read:

20 48.63 (3) (b) 2. The department, a county department under s. 48.57 (1) (e) or
21 (hm), or a child welfare agency licensed under s. 48.60 may place a child under subd.
22 1. in the home of a proposed adoptive parent or parents who reside in this state if that
23 home is licensed as a foster home ~~or treatment foster home~~ under s. 48.62.

24 **SECTION 135.** 48.63 (4) of the statutes is amended to read:

1 48.63 (4) A permanency plan under s. 48.38 is required for each child placed
2 in a foster home ~~or treatment foster home~~ under sub. (1). If the child is living in a
3 foster home ~~or treatment foster home~~ under a voluntary agreement, the agency that
4 negotiated or acted as intermediary for the placement shall prepare the permanency
5 plan within 60 days after the date on which the child was removed from his or her
6 home under the voluntary agreement. A copy of each plan shall be provided to the
7 child if he or she is 12 years of age or over and to the child's parent or guardian. If
8 the agency that arranged the voluntary placement intends to seek a court order to
9 place the child outside of his or her home at the expiration of the voluntary
10 placement, the agency shall prepare a revised permanency plan and file that revised
11 plan with the court prior to the date of the hearing on the proposed placement.

12 **SECTION 136.** 48.64 (title) of the statutes is amended to read:

13 **48.64 (title) Placement of children in foster homes, ~~treatment foster~~**
14 **~~homes and group homes.~~**

15 **SECTION 137.** 48.64 (1) of the statutes is amended to read:

16 48.64 (1) DEFINITION. In this section, "agency" means the department, the
17 department of corrections, a county department, or a licensed child welfare agency
18 authorized to place children in foster homes, ~~treatment foster homes~~, or group
19 homes.

20 **SECTION 138.** 48.64 (1m) of the statutes is amended to read:

21 **48.64 (1m) FOSTER HOME, ~~TREATMENT FOSTER HOME~~ AND GROUP HOME AGREEMENTS.**
22 If an agency places a child in a foster home, ~~treatment foster home~~ or group home
23 under a court order or voluntary agreement under s. 48.63, the agency shall enter
24 into a written agreement with the head of the home. The agreement shall provide
25 that the agency shall have access at all times to the child and the home, and that the

1 child will be released to the agency whenever, in the opinion of the agency placing
2 the child or the department, the best interests of the child require it release to the
3 agency. If a child has been in a foster home, ~~treatment foster home~~ or group home
4 for 6 months or more, the agency shall give the head of the home written notice of
5 intent to remove the child, stating the reasons for the removal. The child may not
6 be removed before completion of the hearing under sub. (4) (a) or (c), if requested, or
7 30 days after the receipt of the notice, whichever is later, unless the safety of the child
8 requires it or, in a case in which the reason for removal is to place the child for
9 adoption under s. 48.833, unless all of the persons who have the right to request a
10 hearing under sub. (4) (a) or (c) sign written waivers of objection to the proposed
11 removal. If the safety of the child requires earlier removal, s. 48.19 shall apply. If
12 an agency removes a child from an adoptive placement, the head of the home shall
13 have no claim against the placing agency for the expense of care, clothing, or medical
14 treatment.

15 **SECTION 139.** 48.64 (1r) of the statutes is amended to read:

16 48.64 (1r) NOTIFICATION OF SCHOOL DISTRICT. When an agency places a
17 school-age child in a foster home, ~~a treatment foster home~~ or a group home, the
18 agency shall notify the clerk of the school district in which the foster home, ~~treatment~~
19 ~~foster home~~ or group home is located that a school-age child has been placed in a
20 foster home, ~~treatment foster home~~ or group home in the school district.

21 **SECTION 140.** 48.64 (2) of the statutes is amended to read:

22 48.64 (2) SUPERVISION OF FOSTER HOME, ~~TREATMENT FOSTER HOME~~ AND GROUP HOME
23 PLACEMENTS. Every child in a foster home, ~~treatment foster home~~ or group home shall
24 be under the supervision of an agency.

25 **SECTION 141.** 48.64 (4) (a) of the statutes is amended to read:

1 48.64 (4) (a) Any decision or order issued by an agency that affects the head of
2 a foster, ~~treatment foster~~ or group home or the children involved may be appealed to
3 the department under fair hearing procedures established under department rules.
4 The department shall, upon receipt of an appeal, give the head of the home
5 reasonable notice and opportunity for a fair hearing. The department may make
6 such any additional investigation as that the department considers necessary. The
7 department shall give notice of the hearing to the head of the home and to the
8 departmental subunit, county department, or child welfare agency that issued the
9 decision or order. Each person receiving notice is entitled to be represented at the
10 hearing. At all hearings conducted under this subsection, the head of the home, or
11 a representative of the head of the home, shall have an adequate opportunity,
12 notwithstanding s. 48.78 (2) (a), to examine all documents and records to be used at
13 the hearing at a reasonable time before the date of the hearing as well as during the
14 hearing, to bring witnesses, to establish all pertinent facts and circumstances, and
15 to question or refute any testimony or evidence, including opportunity to confront
16 and cross-examine adverse witnesses. The department shall grant a continuance
17 for a reasonable period of time when an issue is raised for the first time during a
18 hearing. This requirement may be waived with the consent of the parties. The
19 decision of the department shall be based exclusively on evidence introduced at the
20 hearing. A transcript of testimony and exhibits, or an official report containing the
21 substance of what transpired at the hearing, together with all papers and requests
22 filed in the proceeding, and the findings of the hearing examiner shall constitute the
23 exclusive record for decision by the department. The department shall make the
24 record available at any reasonable time and at an accessible place to the head of the
25 home or his or her representative. Decisions by the department shall specify the

1 reasons for the decision and identify the supporting evidence. No person
2 participating in an agency action being appealed may participate in the final
3 administrative decision on that action. The department shall render its decision as
4 soon as possible after the hearing and shall send a certified copy of its decision to the
5 head of the home and to the departmental subunit, county department, or child
6 welfare agency that issued the decision or order. The decision shall be binding on all
7 parties concerned.

8 **SECTION 142.** 48.64 (4) (c) of the statutes is amended to read:

9 48.64 (4) (c) The circuit court for the county where the dispositional order
10 placing a child in a foster home, ~~treatment foster home~~, or group home was entered
11 or the voluntary agreement under s. 48.63 so placing a child was made has
12 jurisdiction upon petition of any interested party over a child who is placed in a foster
13 home, ~~treatment foster home~~, or group home. The circuit court may call a hearing,
14 at which the head of the home and the supervising agency under sub. (2) shall be
15 present, for the purpose of reviewing any decision or order of that agency involving
16 the placement and care of the child. If the child has been placed in a foster home, the
17 foster parent may present relevant evidence at the hearing. The petitioner has the
18 burden of proving by clear and convincing evidence that the decision or order issued
19 by the agency is not in the best interests of the child.

20 **SECTION 143.** 48.645 (1) (a) of the statutes is amended to read:

21 48.645 (1) (a) The child is living in a foster home ~~or treatment foster home~~
22 licensed under s. 48.62 if a license is required under that section, in a foster home
23 ~~or treatment foster home~~ located within the boundaries of a federally recognized
24 American Indian reservation in this state and licensed by the tribal governing body
25 of the reservation, in a group home licensed under s. 48.625, in a subsidized

1 guardianship home under s. 48.62 (5), or in a residential care center for children and
2 youth licensed under s. 48.60, and has been placed in the foster home, ~~treatment~~
3 ~~foster home~~, group home, subsidized guardianship home, or center by a county
4 department under s. 46.215, 46.22, or 46.23, by the department, or by a federally
5 recognized American Indian tribal governing body in this state under an agreement
6 with a county department under s. 46.215, 46.22, or 46.23.

7 **SECTION 144.** 48.645 (2) (a) 1. of the statutes is amended to read:

8 48.645 (2) (a) 1. A nonrelative who cares for the dependent child in a foster
9 home ~~or treatment foster home~~ having a license under s. 48.62, in a foster home ~~or~~
10 ~~treatment foster home~~ located within the boundaries of a federally recognized
11 American Indian reservation in this state and licensed by the tribal governing body
12 of the reservation, or in a group home licensed under s. 48.625; a subsidized
13 guardian or interim caretaker under s. 48.62 (5) who cares for the dependent child;
14 or a minor custodial parent who cares for the dependent child; regardless of the
15 cause or prospective period of dependency. The state shall reimburse counties
16 pursuant to the procedure under s. 48.569 (2) and the percentage rate of
17 participation set forth in s. 48.569 (1) (d) for aid granted under this section except
18 that if the child does not have legal settlement in the granting county, state
19 reimbursement shall be at 100%. The county department under s. 46.215, 46.22, or
20 46.23 or the department under s. 48.48 (17) shall determine the legal settlement of
21 the child. A child under one year of age shall be eligible for aid under this subsection
22 irrespective of any other residence requirement for eligibility within this section.

23 **SECTION 145.** 48.645 (2) (a) 3. of the statutes is amended to read:

24 48.645 (2) (a) 3. A county or, in a county having a population of 500,000 or more,
25 the department, when the child is placed in a licensed foster home, ~~treatment foster~~

1 ~~home~~, group home, or residential care center for children and youth or in a subsidized
2 guardianship home by a licensed child welfare agency or by a federally recognized
3 American Indian tribal governing body in this state or by its designee, if the child is
4 in the legal custody of the county department under s. 46.215, 46.22, or 46.23 or the
5 department under s. 48.48 (17) or if the child was removed from the home of a relative
6 as a result of a judicial determination that continuance in the home of the relative
7 would be contrary to the child's welfare for any reason and the placement is made
8 under an agreement with the county department or the department.

9 **SECTION 146.** 48.645 (2) (a) 4. of the statutes is amended to read:

10 48.645 (2) (a) 4. A licensed foster home, ~~treatment foster home~~, group home,
11 or residential care center for children and youth or a subsidized guardianship home
12 when the child is in the custody or guardianship of the state, when the child is a ward
13 of an American Indian tribal court in this state and the placement is made under an
14 agreement between the department and the tribal governing body, or when the child
15 was part of the state's direct service case load and was removed from the home of a
16 relative as a result of a judicial determination that continuance in the home of a
17 relative would be contrary to the child's welfare for any reason and the child is placed
18 by the department.

19 **SECTION 147.** 48.645 (2) (b) of the statutes is amended to read:

20 48.645 (2) (b) Notwithstanding par. (a), aid under this section may not be
21 granted for placement of a child in a foster home or ~~treatment foster home~~ licensed
22 by a federally recognized American Indian tribal governing body, for placement of a
23 child in a foster home, ~~treatment foster home~~, group home, subsidized guardianship
24 home, or residential care center for children and youth by a tribal governing body or
25 its designee, or for the placement of a child who is a ward of a tribal court if the tribal

1 governing body is receiving or is eligible to receive funds from the federal government
2 for that type of placement.

3 **SECTION 148.** Subchapter XVI (title) of chapter 48 [precedes 48.66] of the
4 statutes is amended to read:

5 **CHAPTER 48**

6 **SUBCHAPTER XVI**

7 **LICENSING PROCEDURES AND REQUIREMENTS FOR CHILD WELFARE**
8 **AGENCIES, FOSTER HOMES, ~~TREATMENT FOSTER HOMES~~, GROUP**
9 **HOMES, DAY CARE CENTERS, AND COUNTY DEPARTMENTS**

10 **SECTION 149.** 48.66 (1) (a) of the statutes is amended to read:

11 48.66 (1) (a) Except as provided in s. 48.715 (6) and (7), the department shall
12 license and supervise child welfare agencies, as required by s. 48.60, group homes,
13 as required by s. 48.625, shelter care facilities, as required by s. 938.22, and day care
14 centers, as required by s. 48.65. The department may license foster homes ~~or~~
15 ~~treatment foster homes~~, as provided by s. 48.62, and may license and supervise
16 county departments in accordance with the procedures specified in this section and
17 in ss. 48.67 to 48.74. In the discharge of this duty the department may inspect the
18 records and visit the premises of all child welfare agencies, group homes, shelter care
19 facilities, and day care centers and visit the premises of all foster homes ~~and~~
20 ~~treatment foster homes~~ in which children are placed.

21 **SECTION 150.** 48.66 (1) (c) of the statutes is amended to read:

22 48.66 (1) (c) A license issued under par. (a) or (b), other than a license to operate
23 a foster home, ~~treatment foster home~~, or secured residential care center for children
24 and youth, is valid until revoked or suspended. A license issued under this
25 subsection to operate a foster home, ~~treatment foster home~~, or secured residential

1 care center for children and youth may be for any term not to exceed 2 years from the
2 date of issuance. No license issued under par. (a) or (b) is transferable.

3 **SECTION 151.** 48.67 (intro.) of the statutes is amended to read:

4 **48.67 Rules governing child welfare agencies, day care centers, foster**
5 **homes, ~~treatment foster homes~~, group homes, shelter care facilities, and**
6 **county departments.** (intro.) The department shall promulgate rules establishing
7 minimum requirements for the issuance of licenses to, and establishing standards
8 for the operation of, child welfare agencies, day care centers, foster homes, ~~treatment~~
9 ~~foster homes~~, group homes, shelter care facilities, and county departments. Those
10 rules shall be designed to protect and promote the health, safety, and welfare of the
11 children in the care of all licensees. The department shall consult with the
12 department of commerce, the department of public instruction, and the child abuse
13 and neglect prevention board before promulgating those rules. For foster homes,
14 those rules shall include the rules promulgated under s. 48.62 (8). Those rules shall
15 include rules that require all of the following:

16 **SECTION 152.** 48.675 (1) of the statutes is amended to read:

17 **48.675 (1) DEVELOPMENT OF PROGRAM.** The department shall develop a foster
18 care education program to provide specialized training for persons operating family
19 foster homes ~~or treatment foster homes~~. Participation in the program shall be
20 voluntary and shall be limited to persons operating foster homes ~~or treatment foster~~
21 ~~homes~~ licensed under s. 48.62 and caring for children with special treatment needs.

22 **SECTION 153.** 48.675 (2) of the statutes is amended to read:

23 **48.675 (2) APPROVAL OF PROGRAMS.** The department shall promulgate rules for
24 approval of programs to meet the requirements of this section. ~~Such~~ Those programs
25 may include, ~~but need not be limited to:~~ in-service training; workshops and

1 seminars developed by the department or by county departments; seminars and
2 courses offered through public or private education agencies; and workshops,
3 seminars, and courses pertaining to behavioral and developmental disabilities and
4 to the development of mutual support services for foster parents ~~and treatment~~
5 ~~foster parents~~. The department may approve programs under this subsection only
6 after consideration of relevant factors including level of education, useful or
7 necessary skills, location, and other criteria as determined by the department.

8 **SECTION 154.** 48.675 (3) (intro.) of the statutes is amended to read:

9 48.675 (3) SUPPORT SERVICES. (intro.) The department shall provide funds from
10 the appropriation under s. 20.437 (1) (a) to enable foster parents ~~and treatment foster~~
11 ~~parents~~ to attend education programs approved under sub. (2) and shall promulgate
12 rules concerning disbursement of the funds. Moneys disbursed under this
13 subsection may be used for the following purposes:

14 **SECTION 155.** 48.675 (3) (a) of the statutes is amended to read:

15 48.675 (3) (a) Care of residents of the foster home ~~or treatment foster home~~
16 during the time of participation in an education program.

17 **SECTION 156.** 48.68 (1) of the statutes is amended to read:

18 48.68 (1) After receipt of an application for a license, the department shall
19 investigate to determine if the applicant meets the minimum requirements for a
20 license adopted by the department under s. 48.67 and meets the requirements
21 specified in s. 48.685, if applicable. In determining whether to issue or continue a
22 license, the department may consider any action by the applicant, or by an employee
23 of the applicant, that constitutes a substantial failure by the applicant or employee
24 to protect and promote the health, safety, and welfare of a child. Upon satisfactory
25 completion of this investigation and payment of the fee required under s. 48.615 (1)

1 (a) or (b), 48.625 (2) (a), 48.65 (3) (a), or 938.22 (7) (b), the department shall issue a
2 license under s. 48.66 (1) (a) or, if applicable, a probationary license under s. 48.69
3 or, if applicable, shall continue a license under s. 48.66 (5). At the time of initial
4 licensure and license renewal, the department shall provide a foster home licensee
5 with written information relating to the age-related monthly foster care rates and
6 supplemental payments specified in s. 48.62 (4), including payment amounts,
7 eligibility requirements for supplemental payments, and the procedures for applying
8 for supplemental payments.

9 **SECTION 157.** 48.685 (1) (b) of the statutes is amended to read:

10 48.685 (1) (b) "Entity" means a child welfare agency that is licensed under s.
11 48.60 to provide care and maintenance for children, to place children for adoption,
12 or to license foster homes ~~or treatment foster homes~~; a foster home ~~or treatment~~
13 ~~foster home~~ that is licensed under s. 48.62; a subsidized guardianship home under
14 s. 48.62 (5); a group home that is licensed under s. 48.625; a shelter care facility that
15 is licensed under s. 938.22; a day care center that is licensed under s. 48.65 or
16 established or contracted for under s. 120.13 (14); a day care provider that is certified
17 under s. 48.651; or a temporary employment agency that provides caregivers to
18 another entity.

19 **SECTION 158.** 48.685 (2) (c) 1. of the statutes is amended to read:

20 48.685 (2) (c) 1. If the person who is the subject of the search under par. (am)
21 is seeking an initial license to operate a foster home ~~or treatment foster home~~ or is
22 seeking relicensure after a break in licensure, the department, county department,
23 or child welfare agency shall request under 42 USC 16962 (b) a fingerprint-based
24 check of the national crime information databases, as defined in 28 USC 534 (f) (3)
25 (A). The department, county department, or child welfare agency may release any

1 information obtained under this subdivision only as permitted under 42 USC 16962
2 (e).

3 **SECTION 159.** 48.685 (2) (c) 2. of the statutes is amended to read:

4 48.685 (2) (c) 2. If the person who is the subject of the search under par. (am)
5 is seeking a license to operate a foster home ~~or treatment foster home~~ or is an adult
6 nonclient resident of the foster home ~~or treatment foster home~~ and if the person is
7 not, or at any time within the 5 years preceding the date of the search has not been,
8 a resident of this state, the department, county department, or child welfare agency
9 shall check any child abuse or neglect registry maintained by any state or other U.S.
10 jurisdiction in which the person is a resident or was a resident within those 5 years
11 for information that is equivalent to the information specified in par. (am) 4. The
12 department, county department, or child welfare agency may not use any
13 information obtained under this subdivision for any purpose other than a search of
14 the person's background under par. (am).

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as affected by 2009 Wisconsin Act 111, (this act)

15 **SECTION 160.** 48.685 (4m) (a) (intro.) of the statutes is amended to read:

16 48.685 (4m) (a) (intro.) Notwithstanding s. 111.335, and except as provided in
17 par. (ad) and sub. (5), the department may not license, or continue or renew the
18 license of, a person to operate an entity, a county department ~~may not certify a day~~
19 care provider under s. 48.651, a county department or a child welfare agency may not
20 license, or renew the license of, a foster home ~~or treatment foster home~~ under s. 48.62,
21 the department or a county department may not provide subsidized guardianship
22 payments to a person under s. 48.62 (5), and a school board may not contract with
23 a person under s. 120.13 (14), if the department, county department, child welfare
24 agency, or school board knows or should have known any of the following:

or a agency contracted with under s. 48.651(2) plan

plan

25 **SECTION 161.** 48.685 (4m) (ad) of the statutes is amended to read:

as affected by 2009 Wisconsin Act 111, (this act)

plan

This is renumbered to 48.685(4m)(a)(intro.)

contracted agency

This section has been affected by drafts with the following
LRB 0884/2 and LRB 1321/P20
numbers

or a agency contracted with under s 48.651(2)

plain

48.685 (4m) (ad) The department, a county department or a child welfare agency may license a foster home or treatment foster home under s. 48.62, the department or a county department may provide subsidized guardianship payments to a person under s. 48.62 (5), a county department may certify a day care provider under s. 48.651^{plain} and a school board may contract with a person under s. 120.13 (14), conditioned on the receipt of the information specified in sub. (2) (am) indicating that the person is not ineligible to be licensed, certified, or contracted with for a reason specified in par. (a) 1. to 5.

SECTION 162. 48.685 (5) (bm) (intro.) of the statutes is amended to read:

48.685 (5) (bm) (intro.) For purposes of licensing a foster home or treatment foster home for the placement of a child on whose behalf foster care maintenance payments under s. 48.62 (4) will be provided, no person who has been convicted of any of the following offenses may be permitted to demonstrate that he or she has been

rehabilitated:

auto-ref 6 at p. 115,
line 24

as affected by 2009 Wisconsin Act 111, (this act)

SECTION 163. 48.685 (5m) of the statutes is amended to read:

48.685 (5m) Notwithstanding s. 111.335, the department may refuse to license a person to operate an entity, a county department or a child welfare agency may refuse to license a foster home or treatment foster home under s. 48.62, the department or a county department may refuse to provide subsidized guardianship payments under s. 48.62 (5), and an entity may refuse to employ or contract with a caregiver or permit a nonclient resident to reside at the entity if the person has been convicted of an offense that is not a serious crime, but that is, in the estimation of the department, county department, child welfare agency^{plain} or entity, substantially related to the care of a client. Notwithstanding s. 111.335, the department may refuse to license a person to operate a day care center, a county department^{agency} may refuse to license a person to operate a day care center, a county department^{or a agency contracted with under s 48.651(2)} may^(plan)

*** This is reconciled s 48.685(4m) (ad) This section has been affected by drafts with the following LRB-0884/2 and LRB-1389/P2 numbers

XXXX NOTED: This is recommended so 480685(5m) this section has been affected by drafts with the following LR03-1389/P20 LR03-0884/2 and LR03-1389/P20 enumbers

1 refuse to certify a day care provider under s. 48.651, a school board may refuse to
2 contract with a person under s. 120.13 (14), a day care center that is licensed under
3 s. 48.65 or established or contracted for under s. 120.13 (14) (plan) and a day care provider
4 that is certified under s. 48.651 may refuse to employ or contract with a caregiver or
5 permit a nonclient resident to reside at the day care center or day care provider if the
6 person has been convicted of or adjudicated delinquent on or after his or her 12th
7 birthday for an offense that is not a serious crime, but that is, in the estimation of
8 the department, county department, (contracted agency) (plan) school board, day care center, plain or day care
9 provider, substantially related to the care of a client. auto-ref H at P. 115, line 24 has affected by 2009 Wisconsin Act 111 (this act)

10 **SECTION 164.** 48.685 (6) (a) of the statutes is amended to read:

11 48.685 (6) (a) The department shall require any person who applies for
12 issuance, continuation, plain or renewal of a license to operate an entity, a county
13 or agency contracted with under so 480651(2) department shall require any day care provider who applies for initial certification
14 under s. 48.651 or for renewal of that certification, a county department or a child
15 welfare agency shall require any person who applies for issuance or renewal of a (plan)
16 license to operate a foster home ~~or treatment foster home~~ under s. 48.62, the
17 department or a county department shall require any person who applies for
18 subsidized guardianship payments under s. 48.62 (5), and a school board shall
19 require any person who proposes to contract with the school board under s. 120.13
20 (14) or to renew a contract under that subsection, to complete a background
21 information form that is provided by the department.

22 **SECTION 165.** 48.70 (2) of the statutes is amended to read:

23 48.70 (2) SPECIAL PROVISIONS FOR CHILD WELFARE AGENCY LICENSES. A license to
24 a child welfare agency shall also specify the kind of child welfare work the agency is
25 authorized to undertake, whether the agency may accept guardianship of children,

XXXX NOTED: This is recommended so 480685(6)(a) this section has been affected by drafts with the following LR03-1389/P20 LR03-0884/2 and LR03-1389/P20 enumbers

1 whether the agency may place children in foster homes ~~or treatment foster homes~~,
2 and if so, the area the agency is equipped to serve.

3 **SECTION 166.** 48.73 of the statutes is amended to read:

4 **48.73 Inspection of licensees.** The department may visit and inspect each
5 child welfare agency, foster home, ~~treatment foster home~~, group home, and day care
6 center licensed by it the department, and for such that purpose shall be given
7 unrestricted access to the premises described in the license.

8 **SECTION 167.** 48.75 (title) of the statutes is amended to read:

9 **48.75 (title) Foster homes and ~~treatment foster homes~~ licensed by**
10 **public licensing agencies and by child welfare agencies.**

11 **SECTION 168.** 48.75 (1d) of the statutes is amended to read:

12 **48.75 (1d)** Child welfare agencies, if licensed to do so by the department, and
13 public licensing agencies may license foster homes ~~and treatment foster homes~~
14 under the rules promulgated by the department under s. 48.67 governing the
15 licensing of foster homes ~~and treatment foster homes~~. A foster home ~~or treatment~~
16 ~~foster home~~ license shall be issued for a term not to exceed 2 years from the date of
17 issuance, is not transferable, and may be revoked by the child welfare agency or by
18 the public licensing agency because the licensee has substantially and intentionally
19 violated any provision of this chapter or of the rules of the department promulgated
20 ~~pursuant to~~ under s. 48.67 or because the licensee fails to meet the minimum
21 requirements for a license. The licensee shall be given written notice of any
22 revocation and the grounds ~~therefor~~ for the revocation.

23 **SECTION 169.** 48.75 (1r) of the statutes is amended to read:

24 **48.75 (1r)** At the time of initial licensure and license renewal, the child welfare
25 agency or public licensing agency issuing a license under sub. (1d) or (1g) shall

1 provide the licensee with written information relating to the age-related monthly
2 foster care rates and supplemental payments specified in s. 48.62 (4), including
3 payment amounts, eligibility requirements for supplemental payments, and the
4 procedures for applying for supplemental payments.

5 **SECTION 170.** 48.75 (2) of the statutes is amended to read:

6 48.75 (2) Any foster home ~~or treatment foster home~~ applicant or licensee of a
7 public licensing agency or a child welfare agency may, if aggrieved by the failure to
8 issue or renew its license or by revocation of its license, appeal as provided in s. 48.72.

9 **SECTION 171.** 48.833 (1) of the statutes is amended to read:

10 48.833 (1) PLACEMENT BY DEPARTMENT OR COUNTY DEPARTMENT. The department
11 or a county department under s. 48.57 (1) (e) or (hm) may place a child for adoption
12 in a licensed foster home ~~or a licensed treatment foster home~~ without a court order
13 under s. 48.63 (3) (b) or if the department or county department is the guardian of
14 the child or makes the placement at the request of another agency that is the
15 guardian of the child and if the proposed adoptive parents have completed the
16 preadoption preparation required under s. 48.84 (1) or the department or county
17 department determines that the proposed adoptive parents are not required to
18 complete that preparation. When a child is placed under this subsection in a licensed
19 foster home ~~or a licensed treatment foster home~~ for adoption, the department or
20 county department making the placement shall enter into a written agreement with
21 the proposed adoptive parent, which shall state the date on which the child is placed
22 in the licensed foster home ~~or licensed treatment foster home~~ for adoption by the
23 proposed adoptive parent.

24 **SECTION 172.** 48.833 (2) of the statutes is amended to read:

1 48.833 (2) PLACEMENT BY CHILD WELFARE AGENCY. A child welfare agency
2 licensed under s. 48.60 may place a child for adoption in a licensed foster home ~~or a~~
3 ~~licensed treatment foster home~~ without a court order under s. 48.63 (3) (b) or if the
4 child welfare agency is the guardian of the child or makes the placement at the
5 request of another agency that is the guardian of the child and if the proposed
6 adoptive parents have completed the preadoption preparation required under s.
7 48.84 (1) or the child welfare agency determines that the proposed adoptive parents
8 are not required to complete that preparation. When a child is placed under this
9 subsection in a licensed foster home ~~or a licensed treatment foster home~~ for adoption,
10 the child welfare agency making the placement shall enter into a written agreement
11 with the proposed adoptive parent, which shall state the date on which the child is
12 placed in the licensed foster home ~~or licensed treatment foster home~~ for adoption by
13 the proposed adoptive parent.

14 **SECTION 173.** 48.837 (1) of the statutes is amended to read:

15 48.837 (1) IN-STATE ADOPTIVE PLACEMENT. When the proposed adoptive parent
16 or parents of a child reside in this state and are not relatives of the child, a parent
17 having custody of a child and the proposed adoptive parent or parents of the child
18 may petition the court for placement of the child for adoption in the home of the
19 proposed adoptive parent or parents if the home is licensed as a foster home ~~or~~
20 ~~treatment foster home~~ under s. 48.62.

21 **SECTION 174.** 48.837 (1r) (b) of the statutes is amended to read:

22 48.837 (1r) (b) The department, a county department under s. 48.57 (1) (e) or
23 (hm), or a child welfare agency licensed under s. 48.60 may place a child under par.
24 (a) in the home of a proposed adoptive parent or parents who reside in this state if
25 that home is licensed as a foster home ~~or treatment foster home~~ under s. 48.62.

1 **SECTION 175.** 48.88 (2) (am) 1. of the statutes is amended to read:

2 48.88 (2) (am) 1. If the petitioner was required to obtain an initial license to
3 operate a foster home ~~or treatment foster home~~ before placement of the child for
4 adoption or relicensure after a break in licensure, the agency making the
5 investigation shall obtain a criminal history search from the records maintained by
6 the department of justice and request under 42 USC 16962 (b) a fingerprint-based
7 check of the national crime information databases, as defined in 28 USC 534 (f) (3)
8 (A), with respect to the petitioner. The agency may release any information obtained
9 under this subdivision only as permitted under 42 USC 16962 (e). In the case of a
10 child on whose behalf adoption assistance payments will be provided under s. 48.975,
11 if the petitioner has been convicted of any of the offenses specified in s. 48.685 (5) (bm)
12 1. to 4., the agency may not report that the petitioner's home is suitable for the child.

13 **SECTION 176.** 48.88 (2) (am) 2. of the statutes is amended to read:

14 48.88 (2) (am) 2. If the petitioner was required to obtain a license to operate
15 a foster home ~~or treatment foster home~~ before placement of the child for adoption,
16 the agency making the investigation shall obtain information maintained by the
17 department regarding any substantiated reports of child abuse or neglect against the
18 petitioner and any other adult residing in the petitioner's home. If the petitioner or
19 other adult residing in the petitioner's home is not, or at any time within the 5 years
20 preceding the date of the search has not been, a resident of this state, the agency shall
21 check any child abuse or neglect registry maintained by any state or other U.S.
22 jurisdiction in which the petitioner or other adult is a resident or was a resident
23 within those 5 years for information that is equivalent to the information maintained
24 by the department regarding substantiated reports of child abuse or neglect. The

1 agency may not use any information obtained under this subdivision for any purpose
2 other than a background search under this subdivision.

3 **SECTION 177.** 48.975 (3) (a) 1. of the statutes is amended to read:

4 48.975 (3) (a) 1. Except as provided in subd. 3., for support of a child who was
5 in foster care, ~~treatment foster care~~, or subsidized guardianship care immediately
6 prior to placement for adoption, the initial amount of adoption assistance for
7 maintenance shall be equivalent to the amount of that child's foster care, ~~treatment~~
8 ~~foster care~~, or subsidized guardianship care payment at the time that the agreement
9 under sub. (4) (a) is signed or a lesser amount if agreed to by the proposed adoptive
10 parents and specified in that agreement.

11 **SECTION 178.** 48.975 (3) (a) 2. of the statutes is amended to read:

12 48.975 (3) (a) 2. Except as provided in subd. 3., for support of a child not in foster
13 care, ~~treatment foster care~~, or subsidized guardianship care immediately prior to
14 placement for adoption, the initial amount of adoption assistance for maintenance
15 shall be equivalent to the uniform foster care rate applicable to the child that is in
16 effect at the time that the agreement under sub. (4) (a) is signed or a lesser amount
17 if agreed to by the proposed adoptive parents and specified in that agreement.

18 **SECTION 179.** 48.98 (1) of the statutes is amended to read:

19 48.98 (1) No person may bring a child into this state or send a child out of this
20 state for the purpose of placing the child in foster care or ~~treatment foster care~~ or for
21 the purpose of adoption without a certificate from the department that the home is
22 suitable for the child.

23 **SECTION 180.** 48.98 (2) (a) of the statutes is amended to read:

24 48.98 (2) (a) Any person, except a county department or licensed child welfare
25 agency, who brings a child into this state for the purpose of placing the child in a

1 foster home or ~~treatment foster home~~ shall, before the child's arrival in this state, file
2 with the department a \$1,000 noncancelable bond in favor of this state, furnished by
3 a surety company licensed to do business in this state. The condition of the bond shall
4 be that the child will not become dependent on public funds for his or her primary
5 support before the child reaches age 18 or is adopted.

6 **SECTION 181.** 48.981 (3) (d) 1. of the statutes is amended to read:

7 48.981 (3) (d) 1. In this paragraph, "agent" includes, ~~but is not limited to,~~ a
8 foster parent, ~~treatment foster parent~~ or other person given custody of a child or a
9 human services professional employed by a county department under s. 51.42 or
10 51.437 or by a child welfare agency who is working with a child or an expectant
11 mother of an unborn child under contract with or under the supervision of the
12 department in a county having a population of 500,000 or more or a county
13 department under s. 46.22.

14 **SECTION 182.** 48.981 (7) (a) 4. of the statutes is amended to read:

15 48.981 (7) (a) 4. A child's foster parent, ~~treatment foster parent~~ or other person
16 having physical custody of the child or a person having physical custody of the
17 expectant mother of an unborn child, except that the person or agency maintaining
18 the record or report may not disclose any information that would identify the
19 reporter.

20 **SECTION 183.** 48.986 (4) of the statutes is amended to read:

21 48.986 (4) A county may use the funds distributed under this section to fund
22 additional foster parents, ~~treatment foster parents~~, and subsidized guardians or
23 interim caretakers to care for abused and neglected children and to fund additional
24 staff positions to provide services related to child abuse and neglect and to unborn
25 child abuse.

1 **SECTION 184.** 49.001 (7) of the statutes is repealed.

2 **SECTION 185.** 49.136 (1) (m) of the statutes is amended to read:

3 49.136 (1) (m) "Parent" means a parent, guardian, foster parent, ~~treatment~~
4 ~~foster parent~~, legal custodian, or a person acting in the place of a parent.

5 **SECTION 186.** 49.155 (1) (c) of the statutes is amended to read:

6 49.155 (1) (c) Notwithstanding s. 49.141 (1) (j), "parent" means a custodial
7 parent, guardian, foster parent, ~~treatment foster parent~~, legal custodian, or a person
8 acting in the place of a parent.

9 **SECTION 187.** 49.155 (1m) (a) (intro.) of the statutes is amended to read:

10 49.155 (1m) (a) (intro.) The individual is a parent of a child who meets the
11 requirement under s. 49.145 (2) (c) and who is under the age of 13 or, if the child is
12 disabled, is under the age of 19; or is a person relative who, under s. 48.57 (3m) or
13 ~~(3n)~~ 48.62, is providing care and maintenance for a child who meets the requirement
14 under s. 49.145 (2) (c) and who is under the age of 13 or, if the child is disabled, is
15 under the age of 19; and child care services for that child are needed in order for the
16 individual to do any of the following:

17 **SECTION 188.** 49.155 (1m) (a) 1m. b. of the statutes is amended to read:

18 49.155 (1m) (a) 1m. b. The individual has not yet attained the age of 18 years
19 and the individual resides with his or her custodial parent or ~~with a kinship care~~
20 ~~relative under s. 48.57 (3m) or with a long-term kinship care relative under s. 48.57~~
21 ~~(3n) or is in a foster home or treatment foster home~~ licensed under s. 48.62, a
22 subsidized guardianship home under s. 48.62 (5), a group home, or an independent
23 living arrangement supervised by an adult.

24 **SECTION 189.** 49.155 (1m) (bm) of the statutes is amended to read:

XXXXX (CS) This is reconciled to 49.155 (1m) (c) 1. (intro.) This section has been affected by drafts with the following LRB numbers: LRB-0884/2, LRB-1193/1, and LRB-1389/P20

1 49.155 (1m) (bm) If the individual is providing care for a child under a court
2 order and is receiving payments on behalf of the child under s. 48.57 (3m) or (3n) or
3 48.62 (5), or if the individual is a foster parent or treatment foster parent, and child
4 care is needed for that child, the child meets the requirement under s. 49.145 (2) (c).

5 **SECTION 190.** 49.155 (1m) (c) 1. (intro.) of the statutes is amended to read:

6 49.155 (1m) (c) 1. (intro.) Except as provided in subds. 1g., 1h., 1m., 2., and 3.,
7 the gross income of the individual's family is at or below 185% of the poverty line for
8 a family the size of the individual's family or, for an individual who is already
9 receiving a child care subsidy under this section, the gross income of the individual's
10 family is at or below 200% of the poverty line for a family the size of the individual's
11 family. In calculating the gross income of the family, the ~~Wisconsin works agency~~ ^{County department or agency determining eligibility}
12 shall include income described under s. 49.145 (3) (b) 1. and 3., except that, in
13 calculating farm and self-employment income, the ~~Wisconsin works agency~~ ^{County department or agency determining eligibility} shall
14 include the sum of the following: ^{As affected by 2009 Wisconsin Act 111 (this act)}

15 **SECTION 191.** 49.155 (1m) (c) 1h. of the statutes is repealed.

16 **SECTION 192.** 49.175 (1) ~~(ze)~~ ^(s) of the statutes is amended to read:

17 49.175 (1) ~~(ze)~~ ^(s) 1. ~~Kinship care and long-term kinship~~ ^{Foster care assistance.}

18 For the kinship care and long-term kinship care programs under s. 48.57 (3m), (3n),
19 and (3p) foster care under s. 48.62, ~~\$23,579,800~~ ^{\$23,892,500} in each fiscal year.

20 **SECTION 193.** 49.19 (1) (a) 2. b. of the statutes is amended to read:

21 49.19 (1) (a) 2. b. Is living in a foster home or treatment foster home licensed
22 under s. 48.62 if a license is required under that section, in a foster home or treatment
23 foster home located within the boundaries of a federally recognized American Indian
24 reservation in this state and licensed by the tribal governing body of the reservation,
25 in a group home licensed under s. 48.625, or in a residential care center for children

XXXXX (CS) This is reconciled to 49.155 (1m) (c) 1. (intro.) This section has been affected by drafts with the following LRB numbers: LRB-0884/2, LRB-1193/1, and LRB-1389/P20

1 and youth licensed under s. 48.60, and has been placed in the foster home, ~~treatment~~
2 ~~foster home~~, group home, or center by a county department under s. 46.215, 46.22,
3 or 46.23, by the department, by the department of corrections, or by a federally
4 recognized American Indian tribal governing body in this state under an agreement
5 with a county department.

6 **SECTION 194.** 49.19 (4e) (a) of the statutes is amended to read:

7 49.19 (4e) (a) If a person applying for aid is under 18 years of age, has never
8 married, and is pregnant or has a dependent child in his or her care, the person is
9 not eligible for aid unless he or she lives in a place maintained by his or her parent,
10 legal guardian, or other adult relative as the parent's, guardian's or other adult
11 relative's own home or lives in a foster home, ~~treatment foster home~~, maternity
12 home, or other supportive living arrangement supervised by an adult.

13 **SECTION 195.** 49.19 (10) (a) of the statutes is amended to read:

14 49.19 (10) (a) Aid under this section may also be granted to a nonrelative who
15 cares for a child dependent upon the public for proper support in a foster home or
16 ~~treatment foster home~~ having a license under s. 48.62, in a foster home or ~~treatment~~
17 ~~foster home~~ located within the boundaries of a federally recognized American Indian
18 reservation in this state and licensed by the tribal governing body of the reservation,
19 or in a group home licensed under s. 48.625, regardless of the cause or prospective
20 period of dependency. The state shall reimburse counties pursuant to the procedure
21 under s. 48.569 (2) and the percentage rate of participation set forth in s. 48.569 (1)
22 (d) for aid granted under this subsection except that if the child does not have legal
23 settlement in the granting county, state reimbursement shall be at 100%. The county
24 department under s. 46.215 or 46.22 shall determine the legal settlement of the child.

1 A child under one year of age shall be eligible for aid under this subsection
2 irrespective of any other residence requirement for eligibility within this section.

3 **SECTION 196.** 49.19 (10) (c) of the statutes is amended to read:

4 49.19 (10) (c) Reimbursement under par. (a) may also be paid to the county
5 when the child is placed in a licensed foster home, ~~treatment foster home~~, group
6 home, or residential care center for children and youth by a licensed child welfare
7 agency or by a federally recognized American Indian tribal governing body in this
8 state or by its designee, if the child is in the legal custody of the county department
9 under s. 46.215, 46.22, or 46.23 or if the child was removed from the home of a relative
10 specified in sub. (1) (a) as a result of a judicial determination that continuance in the
11 home of the relative would be contrary to the child's welfare for any reason and the
12 placement is made ~~pursuant to~~ under an agreement with the county department.

13 **SECTION 197.** 49.19 (10) (d) of the statutes is amended to read:

14 49.19 (10) (d) Aid may also be paid under this section to a licensed foster home,
15 ~~treatment foster home~~, group home, or residential care center for children and youth
16 by the state when the child is in the custody or guardianship of the state, when the
17 child is a ward of an American Indian tribal court in this state and the placement is
18 made under an agreement between the department and the tribal governing body,
19 or when the child was part of the state's direct service case load and was removed
20 from the home of a relative specified in sub. (1) (a) as a result of a judicial
21 determination that continuance in the home of a relative would be contrary to the
22 child's welfare for any reason and the child is placed by the department or the
23 department of corrections.

24 **SECTION 198.** 49.19 (10) (e) of the statutes is amended to read:

1 49.19 (10) (e) Notwithstanding pars. (a), (c), and (d), aid under this section may
2 not be granted for placement of a child in a foster home ~~or treatment foster home~~
3 licensed by a federally recognized American Indian tribal governing body, for
4 placement of a child in a foster home, ~~treatment foster home~~, or residential care
5 center for children and youth by a tribal governing body or its designee, for the
6 placement of a child who is a ward of a tribal court if the tribal governing body is
7 receiving or is eligible to receive funds from the federal government for that type of
8 placement, or for placement of a child in a group home licensed under s. 48.625.

9 **SECTION 199.** 49.22 (6) of the statutes is amended to read:

10 49.22 (6) The department shall establish, pursuant to federal and state laws,
11 rules, and regulations, a uniform system of fees for services provided under this
12 section to individuals not receiving aid under s. 48.645, 49.19, 49.47, or 49.471;
13 benefits under s. 49.148, 49.155, or 49.79; or foster care maintenance payments
14 under 42 USC 670 to 679a; ~~or kinship care payments under s. 48.57 (3m) or~~
15 ~~long-term kinship care payments under s. 48.57 (3n).~~ The system of fees may take
16 into account an individual's ability to pay. Any fee paid and collected under this
17 subsection may be retained by the county providing the service except for the fee
18 specified in 42 USC 653 (e) (2) for federal parent locator services.

19 **SECTION 200.** 49.22 (7m) of the statutes is amended to read:

20 49.22 (7m) The department may contract with or employ a collection agency
21 or other person to enforce a support obligation of a parent who is delinquent in
22 making support payments and may contract with or employ an attorney to appear
23 in an action in state or federal court to enforce ~~such an~~ the obligation. To pay for the
24 department's administrative costs of implementing this subsection, the department
25 may charge a fee to counties, use federal matching funds or funds retained by the

1 department under s. 49.24 (2) (c), or use up to 30% of this state's share of a collection
2 made under this subsection on behalf of a recipient of aid to families with dependent
3 children ~~or a recipient of kinship care payments under s. 48.57 (3m) or long-term~~
4 ~~kinship care payments under s. 48.57 (3n).~~

5 **SECTION 201.** 49.32 (9) (a) of the statutes is amended to read:

6 49.32 (9) (a) Each county department under s. 46.215, 46.22, or 46.23
7 administering aid to families with dependent children shall maintain a monthly
8 report at its office showing the names of all persons receiving aid to families with
9 dependent children together with the amount paid during the preceding month.
10 Each Wisconsin Works agency administering Wisconsin Works under ss. 49.141 to
11 49.161 shall maintain a monthly report at its office showing the names of all persons
12 receiving benefits under s. 49.148 together with the amount paid during the
13 preceding month. Nothing in this paragraph shall be construed to authorize or
14 require the disclosure in the report of any information (names, amounts of aid or
15 otherwise) pertaining to adoptions, or aid furnished for the care of children in foster
16 homes ~~or treatment foster homes~~ under s. 48.645 or 49.19 (10).

17 **SECTION 202.** 49.34 (1) of the statutes is amended to read:

18 49.34 (1) All services under this subchapter and ch. 48 purchased by the
19 department or by a county department under s. 46.215, 46.22, or 46.23 shall be
20 authorized and contracted for under the standards established under this section.
21 The department may require the county departments to submit the contracts to the
22 department for review and approval. For purchases of \$10,000 or less the
23 requirement for a written contract may be waived by the department. No contract
24 is required for care provided by foster homes ~~or treatment foster homes~~ that are
25 required to be licensed under s. 48.62. When the department directly contracts for

1 services, it shall follow the procedures in this section in addition to meeting
2 purchasing requirements established in s. 16.75.

3 **SECTION 203.** 49.345 (14) (a) of the statutes is amended to read:

4 49.345 (14) (a) Except as provided in pars. (b) and (c), liability of a person
5 specified in sub. (2) or s. 49.32 (1) for care and maintenance of persons under 18 years
6 of age in residential, nonmedical facilities such as group homes, foster homes,
7 ~~treatment foster homes~~, subsidized guardianship homes, and residential care
8 centers for children and youth is determined in accordance with the cost-based fee
9 established under s. 49.32 (1). The department shall bill the liable person up to any
10 amount of liability not paid by an insurer under s. 632.89 (2) or (2m) or by other
11 3rd-party benefits, subject to rules that include formulas governing ability to pay
12 established by the department under s. 49.32 (1). Any liability of the person not
13 payable by any other person terminates when the person reaches age 18, unless the
14 liable person has prevented payment by any act or omission.

15 **SECTION 204.** 49.345 (14) (b) of the statutes is amended to read:

16 49.345 (14) (b) Except as provided in par. (c), and subject to par. (cm), liability
17 of a parent specified in sub. (2) or s. 49.32 (1) for the care and maintenance of the
18 parent's minor child who has been placed by a court order under s. 48.355 or 48.357
19 in a residential, nonmedical facility such as a group home, foster home, ~~treatment~~
20 ~~foster home~~, subsidized guardianship home, or residential care center for children
21 and youth shall be determined by the court by using the percentage standard
22 established by the department under s. 49.22 (9) and by applying the percentage
23 standard in the manner established by the department under par. (g).

24 **SECTION 205.** 49.45 (3) (e) 7. of the statutes is amended to read:

1 49.45 (3) (e) 7. The daily reimbursement or payment rate to a hospital for
2 services provided to medical assistance recipients awaiting admission to a skilled
3 nursing home, intermediate care facility, community-based residential facility,
4 group home, foster home, ~~treatment foster home~~ or other custodial living
5 arrangement may not exceed the maximum reimbursement or payment rate based
6 on the average adjusted state skilled nursing facility rate, created under sub. (6m).
7 This limited reimbursement or payment rate to a hospital commences on the date the
8 department, through its own data or information provided by hospitals, determines
9 that continued hospitalization is no longer medically necessary or appropriate
10 during a period ~~where~~ when the recipient awaits placement in an alternate custodial
11 living arrangement. The department may contract with a peer review organization,
12 established under 42 USC 1320c to 1320c-10, to determine that continued
13 hospitalization of a recipient is no longer necessary and that admission to an
14 alternate custodial living arrangement is more appropriate for the continued care of
15 the recipient. In addition, the department may contract with a peer review
16 organization to determine the medical necessity or appropriateness of physician
17 services or other services provided during the period when a hospital patient awaits
18 placement in an alternate custodial living arrangement.

19 **SECTION 206.** 49.46 (1) (a) 5. of the statutes is amended to read:

20 49.46 (1) (a) 5. Any child in an adoption assistance, foster care, ~~treatment foster~~
21 ~~care~~, or subsidized guardianship placement under ch. 48 or 938, as determined by
22 the department.

23 **SECTION 207.** 49.46 (1) (a) 16. of the statutes is repealed.

24 **SECTION 208.** 49.46 (1) (d) 1. of the statutes is amended to read:

1 49.46 (1) (d) 1. Children who are placed in licensed foster homes ~~or licensed~~
2 ~~treatment foster homes~~ by the department and who would be eligible for payment
3 of aid to families with dependent children in foster homes ~~or treatment foster homes~~
4 except that their placement is not made by a county department under s. 46.215,
5 46.22, or 46.23 will be considered as recipients of aid to families with dependent
6 children.

7 **SECTION 209.** 49.471 (4) (a) 5. of the statutes is amended to read:

8 49.471 (4) (a) 5. An individual who, regardless of family income, was born on
9 or after January 1, 1990, and who, on his or her 18th birthday, was in a foster care
10 ~~or treatment foster care~~ placement under the responsibility of a state, as determined
11 by the department. The coverage for an individual under this subdivision ends on
12 the last day of the month in which the individual becomes 21 years of age, unless he
13 or she otherwise loses eligibility sooner.

14 **SECTION 210.** 49.96 of the statutes is amended to read:

15 **49.96 Assistance grants exempt from levy.** All grants of aid to families with
16 dependent children, payments made under ss. ~~48.57 (3m) or (3n)~~, 49.148 (1) (b) 1. or
17 (c) or (1m) or 49.149 to 49.159, payments made for social services, cash benefits paid
18 by counties under s. 59.53 (21), and benefits under s. 49.77 or federal Title XVI, are
19 exempt from every tax, and from execution, garnishment, attachment, and every
20 other process and shall be inalienable.

21 **SECTION 211.** 50.01 (1) (a) 1. of the statutes is amended to read:

22 50.01 (1) (a) 1. Care and maintenance above the level of room and board but
23 not including nursing care are provided in the private residence by the care provider
24 whose primary domicile is this residence for 3 or 4 adults, or more adults if all of the
25 adults are siblings, each of whom has a developmental disability, as defined in s.

51.01 (5), or, if the residence is licensed as a foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than 4, or more adults or children if all of the adults or all of the children are siblings, ~~or, if the residence is licensed as a treatment foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than 4.~~

SECTION 212. 50.01 (1) (a) 2. of the statutes is amended to read:

50.01 (1) (a) 2. The private residence was licensed under s. 48.62 as a foster home ~~or treatment foster home~~ for the care of the adults specified in subd. 1. at least 12 months before any of the adults attained 18 years of age.

SECTION 213. 50.065 (1) (c) 2. of the statutes is repealed.

auto-ref J at p. 116, line 7

SECTION 214. 59.69 (15) (intro.) of the statutes is amended to read:

59.69 (15) COMMUNITY AND OTHER LIVING ARRANGEMENTS. (intro.) For purposes of this section, the location of a community living arrangement for adults, as defined in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743 (1), a foster home, as defined in s. 48.02 (6), ~~a treatment foster home, as defined in s. 48.02 (17a)~~, or an adult family home, as defined in s. 50.01 (1), in any municipality, shall be subject to the following criteria:

SECTION 215. 59.69 (15) (bm) of the statutes is amended to read:

59.69 (15) (bm) A foster home ~~or a treatment foster home~~ that is the primary domicile of a foster parent ~~or treatment foster parent~~ and that is licensed under s. 48.62 or an adult family home certified under s. 50.032 (1m) (b) shall be a permitted use in all residential areas and is not subject to pars. (a) and (b) except that foster homes ~~and treatment foster homes~~ operated by corporations, child welfare agencies,

XXXX N-12? This is reconciled to 59.69 (15) (intro.) of this section. This has been affected by drafts with the following LRB-0659/PAGE 3 and LRB-0884/20 numbers

XXXX NOT E This is reconciled so 60.63 (intro.) of this section has been affected by drafts with the following LRB 0659/P and LRB 0884/20

1 religious associations, as defined in s. 157.061 (15), associations, or public agencies

2 shall be subject to pars. (a) and (b). as affected by 2009 Wisconsin Act 116 (this act)

3 SECTION 216. 60.63 (intro.) of the statutes is amended to read:

4 **60.63 Community and other living arrangements.** (intro.) For purposes

5 of s. 60.61, the location of a community living arrangement for adults, as defined in

6 s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743

7 (1), a foster home, as defined in s. 48.02 (6), a ~~treatment foster home~~, as defined in

8 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1), in any town shall

9 be subject to the following criteria: (a) or (b) (plan)

10 SECTION 217. 60.63 (3) of the statutes is amended to read:

11 60.63 (3) A foster home ~~or a treatment foster home~~ that is the primary domicile

12 of a foster parent ~~or treatment foster parent~~ and that is licensed under s. 48.62 or an

13 adult family home certified under s. 50.032 (1m) (b) shall be a permitted use in all

14 residential areas and is not subject to subs. (1) and (2) except that foster homes and

15 ~~treatment foster homes~~ operated by corporations, child welfare agencies, churches,

16 associations, or public agencies shall be subject to subs. (1) and (2).

17 SECTION 218. 62.23 (7) (i) (intro.) of the statutes is amended to read: as affected by 2009 Wisconsin Act 116 (this act)

18 62.23 (7) (i) *Community and other living arrangements.* (intro.) For purposes

19 of this section, the location of a community living arrangement for adults, as defined

20 in s. 46.03 (22), a community living arrangement for children, as defined in s. 48.743

21 (1), a foster home, as defined in s. 48.02 (6), a ~~treatment foster home~~, as defined in

22 s. 48.02 (17q), or an adult family home, as defined in s. 50.01 (1), in any city shall be

23 subject to the following criteria: (a) or (b) (plan)

24 SECTION 219. 62.23 (7) (i) 2m. of the statutes is amended to read:

XXXX NOT E This is reconciled so 62.23 (7) (i) 2m. (intro.) of this section has been affected by drafts with the following LRB 0659/P and LRB 0884/20

CS Section has been affected by drafts with the following LEG-2003-0884/2 and LEG-1306/2 Page 3 enumbers

1 62.23 (7) (i) 2m. A foster home or treatment foster home that is the primary
2 domicile of a foster parent or treatment foster parent and that is licensed under s.
3 48.62 or an adult family home certified under s. 50.032 (1m) (b) shall be a permitted
4 use in all residential areas and is not subject to subds. 1. and 2. except that foster
5 homes and treatment foster homes operated by corporations, child welfare agencies,
6 churches, associations, or public agencies shall be subject to subds. 1. and 2.

7 **SECTION 220.** 103.10 (1) (a) (intro.) of the statutes is amended to read:

8 103.10 (1) (a) (intro.) "Child" means a natural, adopted, foster or treatment or
9 foster child, a stepchild, or a legal ward to whom any of the following applies:

10 auto-ref M As affected by 2009 Wisconsin Act 1111 (this act)
at p. 116, line 8 **SECTION 221.** 103.10 (1) (f) of the statutes is amended to read:

11 103.10 (1) (f) "Parent" means a natural parent, foster parent, treatment foster
12 parent, adoptive parent, stepparent, or legal guardian of an employee or an
13 employee's spouse. or domestic partner (plain) of plain

14 **SECTION 222.** 118.175 (1) of the statutes is amended to read:

15 118.175 (1) This section does not apply to a pupil who has a legal custodian, as
16 defined in s. 48.02 (11) or 938.02 (11), or who is cared for by a kinship care relative,
17 as defined in s. 48.57 (3m) (a) 2. 48.02 (15).

18 **SECTION 223.** 121.79 (1) (d) (intro.) of the statutes is amended to read:

19 121.79 (1) (d) (intro.) For pupils in foster homes, treatment foster homes, or
20 group homes, if the foster home, treatment foster home, or group home is located
21 outside the school district in which the pupil's parent or guardian resides and either
22 of the following applies:

23 **SECTION 224.** 121.79 (1) (d) 2. of the statutes is amended to read:

24 121.79 (1) (d) 2. The foster, treatment foster or group home is exempted under
25 s. 70.11.

SECTION 225. 121.79 (1) (d) 3. of the statutes is amended to read:

121.79 (1) (d) 3. The pupil is a child with a disability, as defined in s. 115.76 (5), and at least 4% of the pupils enrolled in the school district reside in foster homes, ~~treatment foster homes~~, or group homes that are not exempt under s. 70.11. Notwithstanding s. 121.83 (1) (d), the annual tuition rate for pupils under this subdivision is the special annual tuition rate only, as described in s. 121.83 (1) (c).

SECTION 226. 146.82 (2) (a) 18m. of the statutes is amended to read:

146.82 (2) (a) 18m. If the subject of the patient health care records is a child or juvenile who has been placed in a foster home, ~~treatment foster home~~, group home, residential care center for children and youth, or juvenile correctional facility, including a placement under s. 48.205, 48.21, 938.205, or 938.21, or for whom placement in a foster home, ~~treatment foster home~~, group home, residential care center for children and youth, or juvenile correctional facility is recommended under s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c), or 938.33 (3) or (4), to an agency directed by a court to prepare a court report under s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831 (2), 48.837 (4) (c), or 938.33 (1), to an agency responsible for preparing a court report under s. 48.365 (2g), 48.425 (1), 48.831 (2), 48.837 (4) (c), or 938.365 (2g), to an agency responsible for preparing a permanency plan under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4) (e), 938.355 (2e), or 938.38 regarding the child or juvenile, or to an agency that placed the child or juvenile or arranged for the placement of the child or juvenile in any of those placements and, by any of those agencies, to any other of those agencies and, by the agency that placed the child or juvenile or arranged for the placement of the child or juvenile in any of those placements, to the foster parent or ~~treatment foster parent~~ of the child or juvenile or the operator of the group home, residential care center for children and youth, or

1 juvenile correctional facility in which the child or juvenile is placed, as provided in
2 s. 48.371 or 938.371.

3 **SECTION 227.** 167.10 (7) of the statutes is amended to read:

4 167.10 (7) PARENTAL LIABILITY. A parent, foster parent, ~~treatment foster parent,~~
5 family-operated group home parent, or legal guardian of a minor who consents to the
6 use of fireworks by the minor is liable for damages caused by the minor's use of the
7 fireworks.

8 **SECTION 228.** 252.15 (5) (a) 19. of the statutes is amended to read:

9 252.15 (5) (a) 19. If the test was administered to a child who has been placed
10 in a foster home, ~~treatment foster home,~~ group home, residential care center for
11 children and youth, or juvenile correctional facility, as defined in s. 938.02 (10p),
12 including a placement under s. 48.205, 48.21, 938.205, or 938.21, or for whom
13 placement in a foster home, ~~treatment foster home,~~ group home, residential care
14 center for children and youth, or juvenile correctional facility is recommended under
15 s. 48.33 (4), 48.425 (1) (g), 48.837 (4) (c), or 938.33 (3) or (4), to an agency directed by
16 a court to prepare a court report under s. 48.33 (1), 48.424 (4) (b), 48.425 (3), 48.831
17 (2), 48.837 (4) (c), or 938.33 (1), to an agency responsible for preparing a court report
18 under s. 48.365 (2g), 48.425 (1), 48.831 (2), 48.837 (4) (c), or 938.365 (2g), to an agency
19 responsible for preparing a permanency plan under s. 48.355 (2e), 48.38, 48.43 (1)
20 (c) or (5) (c), 48.63 (4) or (5) (c), 48.831 (4) (e), 938.355 (2e), or 938.38 regarding the
21 child, or to an agency that placed the child or arranged for the placement of the child
22 in any of those placements and, by any of those agencies, to any other of those
23 agencies and, by the agency that placed the child or arranged for the placement of
24 the child in any of those placements, to the child's foster parent or ~~treatment foster~~
25 parent or the operator of the group home, residential care center for children and

1 youth, or juvenile correctional facility in which the child is placed, as provided in s.
2 48.371 or 938.371.

3 **SECTION 229.** 253.10 (3) (c) 2. c. of the statutes is amended to read:

4 253.10 (3) (c) 2. c. That the woman has a legal right to continue her pregnancy
5 and to keep the child; to place the child in a foster home ~~or treatment foster home~~ for
6 6 months or to petition a court for placement of the child in a foster home, ~~treatment~~
7 ~~foster home~~ or group home or with a relative; or to place the child for adoption under
8 a process that involves court approval both of the voluntary termination of parental
9 rights and of the adoption.

10 **SECTION 230.** 301.12 (14) (a) of the statutes is amended to read:

11 301.12 (14) (a) Except as provided in pars. (b) and (c), liability of a person
12 specified in sub. (2) or s. 301.03 (18) for care and maintenance of persons under 17
13 years of age in residential, nonmedical facilities such as group homes, foster homes,
14 ~~treatment foster homes~~, residential care centers for children and youth, and juvenile
15 correctional institutions is determined in accordance with the cost-based fee
16 established under s. 301.03 (18). The department shall bill the liable person up to
17 any amount of liability not paid by an insurer under s. 632.89 (2) or (2m) or by other
18 3rd-party benefits, subject to rules ~~which~~ that include formulas governing ability to
19 pay promulgated by the department under s. 301.03 (18). Any liability of the resident
20 not payable by any other person terminates when the resident reaches age 17, unless
21 the liable person has prevented payment by any act or omission.

22 **SECTION 231.** 301.12 (14) (b) of the statutes is amended to read:

23 301.12 (14) (b) Except as provided in par. (c) and subject to par. (cm), liability
24 of a parent specified in sub. (2) or s. 301.03 (18) for the care and maintenance of the
25 parent's minor child who has been placed by a court order under s. 938.183, 938.355,

CS This is recalled to 301.26 (4) (d) 2. This section has been affected by drafts with the following LRB numbers LRB-0357/3 and LRB-0884/20 or 938.357 in a residential, nonmedical facility such as a group home, foster home, treatment foster home, residential care center for children and youth, or juvenile correctional institution shall be determined by the court by using the percentage standard established by the department of children and families under s. 49.22 (9) and by applying the percentage standard in the manner established by the department under par. (g). (as affected by 2009 Wisconsin Act 111 (this act))

auto-ref N at p. 116, line 10

SECTION 232. 301.26 (4) (d) 2. of the statutes is amended to read:

2001 strike
301.26 (4) (d) 2. Beginning on July 1, 2007, January 1, 2010, and ending on June 30, 2008 2010, the per person daily cost assessment to counties shall be \$259 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), \$259 for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3), \$277 for care in a residential care center for children and youth, \$167 for care in a group home for children, \$67 for care in a foster home, \$132 for care in a treatment foster home under rules promulgated under s. 48.62 (8) (c), \$99 for departmental corrective sanctions services, and \$55 for departmental aftercare services. (as affected by 2009 Wisconsin Act 111 (this act))

SECTION 233. 301.26 (4) (d) 3. of the statutes is amended to read:

plain
301.26 (4) (d) 3. Beginning on July 1, 2009 2010, and ending on June 30, 2009 2011, the per person daily cost assessment to counties shall be \$268 for care in a Type 1 juvenile correctional facility, as defined in s. 938.02 (19), \$268 for care for juveniles transferred from a juvenile correctional institution under s. 51.35 (3), \$296 for care in a residential care center for children and youth, \$179 for care in a group home for children, \$74 for care in a foster home, \$145 for care in a treatment foster home under rules promulgated under s. 48.62 (8) (c), \$101 for departmental corrective sanctions services, and \$37 for departmental aftercare services. (as affected by 2009 Wisconsin Act 111 (this act))

SECTION 234. 301.26 (4) (e) of the statutes is amended to read:

CS This is recalled to 301.26 (4) (d) 2. This section has been affected by drafts with the following LRB numbers LRB-0357/3 and LRB-0884/20

1 301.26 (4) (e) For foster care, ~~treatment foster care~~, group home care, and
2 institutional child care to delinquent juveniles under ss. 49.19 (10) (d), 938.48 (4) and
3 (14), and 938.52 all payments and deductions made under this subsection and
4 uniform fee collections under s. 301.03 (18) shall be credited to the appropriation
5 account under s. 20.410 (3) (ho).

6 **SECTION 235.** 301.26 (4) (ed) of the statutes is amended to read:

7 301.26 (4) (ed) For foster care, ~~treatment foster care~~, group home care, and
8 institutional child care to serious juvenile offenders under ss. 49.19 (10) (d), 938.48
9 (4) and (14), and 938.52 all uniform fee collections under s. 301.03 (18) shall be
10 credited to the appropriation account under s. 20.410 (3) (ho).

11 **SECTION 236.** 301.46 (4) (a) 6. of the statutes is amended to read:

12 301.46 (4) (a) 6. A foster home ~~or treatment foster home~~ licensed under s. 48.62.

13 **SECTION 237.** 343.15 (4) (a) 3. of the statutes is amended to read:

14 343.15 (4) (a) 3. A person who is a ward of the state, county, or court and who
15 has been placed in a foster home ~~or a treatment foster home~~ or in the care of a
16 religious welfare service.

17 **SECTION 238.** 619.01 (1) (a) of the statutes is amended to read:

18 619.01 (1) (a) *Establishment of plans.* If the commissioner finds after a hearing
19 that in any part of this state automobile insurance, property insurance, health care
20 liability insurance, liability insurance but not to include coverage for risks ~~which~~
21 that are determined to be uninsurable, worker's compensation insurance, insurance
22 coverage for foster homes ~~or treatment foster homes~~, or insurance coverage for group
23 homes is not readily available in the voluntary market, and that the public interest
24 requires ~~such~~ that availability, the commissioner may by rule either promulgate
25 plans to provide such insurance coverages for any risks in this state ~~which~~ that are

1 equitably entitled to, but otherwise unable to obtain ~~such~~, that coverage, or may call
2 upon the insurance industry to prepare plans for the commissioner's approval.

3 **SECTION 239.** 619.01 (1) (c) 1. of the statutes is amended to read:

4 619.01 (1) (c) 1. Each plan, except a health care liability insurance plan, a foster
5 home protection insurance plan, ~~a treatment foster home protection insurance plan~~
6 or a group home protection insurance plan, shall require participation by all insurers
7 doing any business in this state of the types covered by the specific plan and all
8 agents licensed to represent ~~such~~ those insurers in this state for the specified types
9 of business, except that the commissioner may exclude classes of persons for
10 administrative convenience or because it is not equitable or practicable to require
11 them to participate in the plan.

12 **SECTION 240.** 619.01 (1) (c) 4m. of the statutes is repealed.

13 **SECTION 241.** 619.01 (9) of the statutes is amended to read:

14 619.01 (9) FOSTER HOME PROTECTION INSURANCE. In this section "foster home
15 protection insurance" means insurance coverage to protect persons who receive a
16 license to operate a foster home under s. 48.62 (1) ~~(a)~~ against the unique risks,
17 determined by the commissioner, to which ~~such~~ those persons are exposed. If the
18 persons have insurance ~~which~~ that covers any of these those risks, the foster home
19 protection insurance may insure against any or all of the other risks, and may
20 provide additional or excess limits coverage for any or all of these those risks.

21 **SECTION 242.** 619.01 (9m) of the statutes is repealed.

22 **SECTION 243.** 767.205 (2) (a) 3. of the statutes is amended to read:

23 767.205 (2) (a) 3. Whenever aid under s. ~~48.57 (3m) or (3n)~~, 48.645, 49.19, or
24 49.45 is provided on behalf of a dependent child or benefits are provided to the child's
25 custodial parent under ss. 49.141 to 49.161.